

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**IN RE MUSHROOM DIRECT  
PURCHASER ANTITRUST  
LITIGATION**

**Master File No. 06-0620**

**THIS DOCUMENT RELATES TO:**

**ALL ACTIONS**

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**PLAINTIFFS' CROSS-MOTION FOR PARTIAL SUMMARY JUDGMENT**

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In response to Defendants' Motion for Adjudication of Plaintiffs' Antitrust Claims Under the Rule of Reason filed on or about August 26, 2013 (D.E. 492), Plaintiffs cross-move for partial summary judgment pursuant to Fed. R. Civ. P. 56(a). In this cross-motion, Plaintiffs ask the court to enter partial summary judgment in their favor finding the EMMC, its members, and distributors affiliated with EMMC members to have engaged in a *per se* illegal horizontal conspiracy to fix prices and restrict supply. The bases for this cross-motion are set forth in the accompanying Memorandum of Law filed under seal, which also responds to Defendants' Motion Seeking Adjudication Under the Rule of Reason. A response to the facts set forth in Defendants' Motion and an affirmative statement of undisputed facts supporting this cross-motion is

set forth in the accompanying Statement of Facts which is also filed under seal.

Dated: September 25, 2013

Respectfully submitted,

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